



AY ZFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Michael H. Peronek, et al.
For : PLASTIC WATER BOTTLE
Serial No. : 10/680,510
Filing Date : October 7, 2003
Examiner : Tri M. Mai
Group Art Unit : 3727
Date of Last Action : August 10, 2005
Our Docket : FCIE 2 13320-1

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby appeal to the Board from the decision of the Primary Examiner mailed August 10, 2005. This application is on behalf of a small entity. Pursuant to 37 CFR 1.17(b), the required fee of \$250.00 for filing the Notice of Appeal is enclosed herewith.

Applicants believe that no extension of term is required; however, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time. If the submitted fee is insufficient for the Notice of Appeal and/or for an extension of time, the Commissioner is authorized to charge any fee which may be required, or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

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I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail
in an envelope addressed to Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on 9-13-05

Adeline Machado

(SIGNATURE)